

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28965 of 2022

Sasmita Naik

....

Petitioner

Mr.Sitakanta Hota, Advocate

-versus-

Partha Sarathi Sahoo

....

Opp. Party

Mr. Ashok Kumar Mohanty, Advocate

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
15.11.2022**

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. This writ petition has been filed for a direction to learned Judge, Family Court, Keonjhar to dispose of IA No.9 of 2022 (arising out of CP No.449 of 2022) pending before him at an early date.
3. Mr. Hota, learned counsel for the Petitioner that the Opposite Party has filed CP No.449 of 2022 for passing of a decree of dissolution of marriage. On being summoned, the Opposite Party-wife (Petitioner herein) appeared and filed an application under Section 36 of the Special Marriage Act, 1954 for alimony *pendente lite*. It is his submission that although the application is pending since July, 2022 and proviso to Section 36 makes it clear that such an application should be disposed of within sixty days of its filing, learned Judge, Family Court has not made any endeavour in that regard. Hence, this writ petition has been filed.

4. Upon hearing learned counsel for the Petitioner and on perusal of record, this Court is not clear about the stage of the Civil Proceeding. The status of IA No.9 of 2022 is also not clear from the averments made in the writ petition. Hence, this Court is not inclined to entertain the prayer made in the writ petition. Petitioner, if so advised, may move learned Judge, Family Court, Keonjhar for early disposal of IA No.9 of 2022, if pending, by filing a petition and stating the grounds therein.

5. With the aforesaid observation, the writ petition is disposed of.

Issue urgent certified copy of the order on proper application.

